

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 10, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, June 10, 2008.

Mayor Warmington opened the meeting with a prayer from Commissioner Shepherd after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Chris Carter, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2008-51 HONORS AND AWARDS:

A. Honorary Ambassador. Commissioner Wisneski presented a certificate to the Greater Muskegon JC's.

2008-52 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the May 21st Special City Commission Meeting, and the May 27th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th and July 6th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks

and approval of the insurance.

C. One Year Extension to Construct a Single Family Home at 1259 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a one-year extension to allow Mr. Vernon and Mrs. Dorothy Harris to complete construction of a single-family home on Marquette Avenue. The original agreement between the City and Mr. and Mrs. Harris stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. and Mrs. Harris will be starting construction by July 2008. They were unable to start construction sooner due to Mr. Harris being in the military. He is now back.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution.

E. Set Public Hearing for Amendment to Brownfield Plan – Parkland Muskegon, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Parkland Muskegon, LLC, located at 241, 255, and 285 W. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential/commercial development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on June 5, 2008, to review and approve the Brownfield Plan Amendment and make a recommendation for approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for June 24, 2008.

F. Agreement for Processing Parking Citations and Revenue Collection. FINANCE

SUMMARY OF REQUEST: To authorize staff to enter into an agreement with Complus to provide the City parking citation processing and revenue collection. Complus along with providing handheld devices that will help ensure accuracy,

provide documentation and increase efficiency will supply the City with access to their on-line software to track and manage parking tickets and payments.

FINANCIAL IMPACT: The fee is 20% of all paid parking tickets which is an increase from the approximately 13% charged by the current provider. The increased fee will be offset by increased revenue.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Complus for Parking Citation processing and revenue collection.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus item D.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2008-53 ITEM REMOVED FROM THE CONSENT AGENDA:

D. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County Treasurer is responsible to sell the tax-reverted properties/boat slips. There are two boat slips on the tax-reverted list. Local municipalities have first option to pay the past-due taxes and fees prior to the first tax auction. The taxes owing on each of the boat slips are from 2005, 2006, and 2007. The application and fee must be turned in to the County Treasurer's Office by July 1, 2008.

FINANCIAL IMPACT: Total cost of the two boat slips is \$6,090.86. There will also be an annual maintenance fee for each boat slip.

BUDGET ACTION REQUIRED: To expend the \$6,090.86 necessary to purchase the boat slips from the Public Improvement Fund.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and purchase application.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the request to purchase the tax-reverted properties.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

2008-54 PUBLIC HEARINGS:

A. Request to Revoke the Obsolete Property Rehabilitation Certificate – Kirksey Investment Corporation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the City of Muskegon requests that the Obsolete Property Rehabilitation Certificate for Kirksey Investment Corporation at 1133 W. Western Avenue be revoked. The certificate was issued on May 9, 2006, and the property owner failed to rehabilitate the building within the twelve month deadline.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution revoking the Obsolete Property Rehabilitation Certificate.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Michael Kirksey, 1204 W. Western.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and grant the request to extend the Obsolete Property Rehabilitation Certificate for 18 months and for the work to be completed within that 18 month period.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: Gawron and Wisneski

MOTION PASSES

2008-55 UNFINISHED BUSINESS:

A. Consideration of Bids for Beidler Street, Laketon to Southern.
ENGINEERING

SUMMARY OF REQUEST: Award the Beidler construction contract to Milbocker & Sons out of Allegan since they were the lowest responsible bidder with a total bid price of \$520,531.21.

FINANCIAL IMPACT: The construction cost of \$520,531.21 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Milbocker & Sons.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to award the Beidler construction contract to Milbocker & Sons.

ROLL VOTE: Ayes: Gawron, Shepherd, and Spataro

Nays: Wisneski, Carter, Warmington, and Wierengo

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Wierengo to award the Beidler construction contract to Jackson-Merkey.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, and Shepherd

Nays: Gawron and Spataro

MOTION PASSES

B. Repeal Vehicle for Hire Ordinance. CITY CLERK

SUMMARY OF REQUEST: At a Worksession Meeting held on June 11, 2007, the Commission considered a request to repeal the Vehicle for Hire Ordinance. At that time, the Commission determined to license taxicabs for one more year while Muskegon County established a county-wide licensing requirement. The Commission indicated they would revisit the issue in one year. At the March 11, 2008, City Commission Meeting it was decided to extend the current licensing for cabs to June 11, 2008.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: That the Ordinance to Repeal Vehicles for Hire, Sections 102-200 through 102-260 of the Code of Ordinances be adopted.

Motion by Commissioner Carter, second by Commissioner Wierengo to repeal the vehicle for hire ordinance.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

2008-56 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Wisneski to go into Closed Session to discuss pending litigation.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Wierengo to come out of Closed Session.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk